

REMARKS

Claims 1-4 are pending in the present application. Claims 1-4 are rejected. Claim 1 is herein amended in order to more particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Attached hereto is a marked-up version of the changes made to claim 1 by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Claim Rejections under 35 U.S.C. § 102/103

Claims 1-4 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, 35 U.S.C. §103(a) as being unpatentable over JP 01215846 to Kishida et al, U.S. Patent No. 4,179,481 to Tuzuki et al., U.S. 5,093,420 / EP 392 465 to Matsuba et al., or GB 1,378,434 for reasons cited in the previous Office Action.

In response to Applicants' argument that the references fail to show certain features of Applicants' invention, the Examiner notes that the features upon which Applicants rely (i.e., specific viscosity in chloroform) are not recited in the rejected claim(s). Applicants herein amend claim 1 to recite the features.

Regarding Tuzuki et al., the Examiner asserts that even if Applicants had claimed specific viscosity in chloroform and the specific viscosity in Tuzuki et al., when converted to specific viscosity in chloroform was at least 0.24, "at least 0.24 still anticipates and fully covers at least 0.5". Regarding Matsuba et al., the Examiner asserts that even if Applicants had claimed specific viscosity in chloroform and the specific viscosity in Matsuba et al. were converted to at least 0.41 in chloroform, "*at least 0.41* still anticipates and fully covers *at least 0.5*".

Applicants respectfully disagree with the Examiner's assertions. "At least 0.41" suggests "at least 0.5"; however, it **does not** anticipate it. Likewise, "at least 0.24" suggests but does **not** anticipate "at least 0.5." Applicants respectfully submit that the Examiner appears to be conflating the criteria for anticipation with the criteria for obviousness. The present claims are

By: Noriko SAKASHITA et al.
Serial No. 09/530,202

Group Art Unit: 1713
Examiner: Kelechi Chidi Egwim

~~circled~~ narrower than the cited references, and therefore can **not** be anticipated by the cited references.

Applicants herein amend claim 1 to incorporate the measuring condition of the specific viscosity (i.e., in 0.1 % by weight chloroform solution at 30°C). This incorporation has a support in the specification on page 15, lines 22 to 24.

The Examiner raised an obviousness rejection under 35 U.S.C. §103(a). However, Applicants note that none of the references disclose examples approaching the claimed specific viscosities. Furthermore, the present specification shows that the claimed invention, in comparison with the Comparative Examples, shows unexpected results when using the higher viscosity materials. *Handwritten: ↑ more*

The Examiner noted that no Declaration was found to be executed and attached to Applicants' response, which of course implies that he has not considered it. Applicants herewith resubmit the Inventor's Declaration under 37 C.F.R. §1.132, which clearly notes various distinctions between the claimed invention and the cited references. *only for*

As stated in the previous response and the attached Declaration, Applicants note that in the ~~Examples~~ and Comparative Examples of the references, specific viscosities are lower than specific viscosities claimed in the present invention, and specific viscosity as high as that of the present invention is not disclosed at all.

In response to the Examiner's assertion that "the prior art latexes would possess the presently claimed specific viscosities given the composition and preparation of the polymers are essentially the same as the claimed composition", Applicants note that the monomers and the adding amount of the initiator of the present invention are different from those of the references, and this difference makes it possible to carry out the present invention ~~with high viscosity,~~ whereas specific viscosities in Examples and Comparative Examples of the references are lower than those claimed in the present invention as mentioned in (2). *Handwritten: circled X*

In view of the aforementioned amendments and for at least the reasons cited in the accompanying remarks, Applicants respectfully submit that claims 1-4, as herein amended, are in condition for allowance. Applicants request such action at an early date.

By: **Noriko SAKASHITA et al.**
Serial No. **09/530,202**

Group Art Unit: **1713**
Examiner: **Kelechi Chidi Egwim**

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Kenneth H. Salen
Attorney for Applicants
Reg. No. 43,077

KHS/meu

Atty. Docket No. **000466**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made
Declaration under 37 C.F.R. §1.132

Q:\FLOATERS\KHS\00\000466 Amend 9-10-02.wpd

By: **Noriko SAKASHITA et al.**
Serial No. 09/530,202

Group Art Unit: 1713
Examiner: **Kelechi Chidi Egwim**

VERSION WITH MARKINGS TO SHOW CHANGES MADE
Serial No. 09/530,202

IN THE CLAIMS:

Please amend claim 1 as follows:

1. (Amended) A processing aid for a vinyl chloride resin having specific viscosity η_{sp} of at least 0.5,

which is obtained by polymerizing

1 to 50 parts by weight of a monomer mixture (B) comprising 0 to 49% by weight of methyl methacrylate,

51 to 100% by weight of at least one monomer selected from the group consisting of a methacrylate ester except methyl methacrylate and an acrylate ester, and

0 to 20 % by weight of a vinyl monomer copolymerizable therewith,

in the presence of a latex of a (co)polymer having specific viscosity of at least η_{sp} 0.7,

which is obtained by polymerizing in emulsion 99 to 50 parts by weight of a monomer mixture (A) comprising

51 to 100% by weight of methyl methacrylate,

0 to 49 % by weight of at least one monomer selected from the group consisting of a methacrylate ester except methyl methacrylate and an acrylate ester, and

0 to 20 % by weight of a vinyl monomer copolymerizable therewith,

wherein the total amount of (A) and (B) is 100 parts by weight _

and wherein specific viscosity is measured at 30°C using Ubbelohde's Viscometer on 0.1 g of polymer dissolved in 100 mL chloroform .